

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**LARRY COFFMAN, ROBERT JIMMS,
and others similarly situated,**

Plaintiffs,

v.

**ALAN BLAKE, JON ROSENBOOM,
VICKY PHILLIS, UNKNOWN MSOTC
MEMBERS,**

Defendants.

No. 4:05-cv-997-AGF

ORDER AND MEMORANDUM

This matter is before the Court upon the application of Larry Coffman and Robert Jimms for leave to commence this action without payment of the required filing fee [Doc. 1]. *See* 28 U.S.C. § 1915(a).

On June 23, 2005, plaintiffs filed a joint motion for leave to proceed in forma pauperis with a putative joint financial affidavit, signed by plaintiff Coffman only. Plaintiffs are attempting to do in concert that which can only be done as individuals. Where the action is prosecuted for the joint benefit of plaintiffs, “the petition to proceed in forma pauperis is insufficient unless each person directly interested in recovery makes the poverty affidavit required by the statute, stating facts to show the financial inability.” *Carter v. Kurn*, 120 F.2d 261, 262 (8th Cir.1941); *see also* Local Rule 2.05(A).

Plaintiff Coffman has submitted the requisite financial affidavit, but plaintiff Jimms has not. As such, the Court is unable to determine, at this time, whether plaintiff Jimms is financially unable to pay the filing fee. Because plaintiffs are proceeding pro se, the Court will grant plaintiff Jimms additional time in which to submit a financial affidavit, as set forth below.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs’ motion for leave to proceed in forma pauperis [Doc. 1] be **HELD IN ABEYANCE**.

IT IS FURTHER ORDERED that the Clerk of Court shall provide plaintiff Jimms with the court form “Financial Affidavit - CJA 23.”

IT IS FURTHER ORDERED that plaintiff Jimms shall submit a fully completed and signed “Financial Affidavit - CJA 23” within twenty (20) days of the date of this Order.

IT IS FURTHER ORDERED that failure to provide a financial affidavit within twenty (20) days of the date of this Order will result in the Court’s dismissing plaintiff Jimms from this cause of action.

IT IS FURTHER ORDERED that, upon the submission of a financial affidavit by plaintiff Jimms or upon the expiration of twenty days, the Clerk shall cause this case to be resubmitted to the Court for review under 28 U.S.C. § 1915.

Dated this 16th day of September, 2005.


UNITED STATES MAGISTRATE JUDGE